



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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Brooklyn, New York 11201*

September 14, 2022

By ECF

Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Dewan v. Mayorkas, Secretary of U.S. Dep't of Homeland Security, et al.*,
No. 22-cv-4066 (BMC)

Dear Judge Cogan:

This Office represents Defendants Alejandro Mayorkas, Secretary of Homeland Security; Department of Homeland Security ("DHS"); and United States Citizenship and Immigration Services ("USCIS") (collectively, "Defendants") in this case. Defendants, with Plaintiff's consent, respectfully request a one-week extension of time, from September 30, 2022 to October 7, 2022, to file a reply, if any, in support of their motion to dismiss.

By way of background, Plaintiff Mamun Dewan, an asylee, brings this undue delay suit pursuant to § 706(1) of the Administrative Procedure Act, 5 U.S.C. §§ 701-06. He alleges that USCIS has unreasonably delayed in adjudicating three Form I-730, Refugee/Asylee Relative Petitions ("I-730") that he submitted on or about October 22, 2019—one for his wife, Lorin Mahsinara, and one each for his two children, Sultan Riaza and Maruf Dewan. *See* Dkt. 1 ¶¶ 1, 6-8.

On September 12, 2022, Defendants filed a letter requesting a pre-motion conference in anticipation of their motion to dismiss. *See* Dkt. 13. On September 13, the parties appeared for an initial status conference, during which the Court waived the pre-motion conference requirement, deemed Defendants' letter to be a motion to dismiss, and ordered Plaintiff to file his opposition no later than September 23, 2022. When the undersigned asked about filing a reply, Your Honor stated that, after receiving and reviewing Plaintiff's response, Defendants could seek permission from the Court to file a reply. After the conclusion of the conference, the Court issued an Order that, *inter alia*, set September 30, 2022 as the deadline for Defendants to file any reply. *See* Minute Entry and Order (Sept. 13, 2022).

Defendants respectfully request, with Plaintiff's consent, a one-week extension of time to file any reply, from September 30, 2022 to October 7, 2022. This extension is necessary because the undersigned Assistant United States Attorney will be out of the country from September 23, 2022 to October 2, 2022, and thus will not be able to prepare any reply until after the current deadline of September 30.

This is the first request for an extension of time in this case. This request does not affect

any other deadlines.

Defendants thank the Court for its time and consideration of this request.

Respectfully submitted,

BREON PEACE
United States Attorney
Eastern District of New York

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